

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GERALD CASH, et al.,

Plaintiffs,

vs.

HAMILTON COUNTY DEPARTMENT of
ADULT PROBATION, et al.,

Defendants.

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CASE NO.
C-1-01-753

Deposition of: GREGORY B. WAHOFF

Taken: By the Defendants
Pursuant to Agreement

Date: March 30, 2006

Time: Commencing at 10:03 a.m.

Place: Law Office of Stephen Felson
817 Vine Street
Suite 1401
Cincinnati, Ohio 45202

Before: S. Diane Farrell, RMR, CRR
Notary Public - State of Ohio

1 APPEARANCES:

2 On behalf of the plaintiffs:

3 Robert Newman, Esq.
4 and
5 Stephen Felson, Esq.
6 817 Vine Street
7 Suite 1401
8 Cincinnati, Ohio 45202

9 On behalf of Hamilton County:

10 David Stevenson, Esq.
11 of
12 Office of Hamilton County
13 Prosecuting Attorney
14 230 East Ninth Street
15 Suite 4000
16 Cincinnati, Ohio 45202

17 On behalf of the City of Cincinnati:

18 Richard Ganulin, Esq.
19 City of Cincinnati Law Department
20 801 Plum Street
21 Room 214
22 Cincinnati, Ohio 45202

23 Also Present:

24 Phillip R. Garcia

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(No exhibits.)	

1 GREGORY B. WAHOFF
2 of lawful age, a plaintiff herein, being first duly
3 sworn as hereinafter certified, was examined and
4 deposed as follows:

5 CROSS-EXAMINATION

6 BY MR. GANULIN:

7 Q. Hi, I'm Richard Ganulin. I'm a lawyer for
8 the City of Cincinnati, and I'm sure Mr. Newman or
9 Mr. Felson explained I'm taking your deposition
10 today, which is sworn testimony. I'm going to ask
11 you questions about the lawsuit that you filed
12 against Hamilton County and the City of Cincinnati.
13 If you don't understand a question, tell me. I'll
14 try to rephrase it.

15 A. Yes.

16 Q. No tricks here. Just -- I'm going to try
17 to ask clear questions and try to get clear answers.

18 Please state your name for the record.

19 A. Gregory Bernard Wahoff.

20 Q. Wahoff?

21 A. Yes, sir.

22 Q. And, Mr. Wahoff, are you one of the
23 plaintiffs in the lawsuit that includes, at least in
24 terms of who's named, Gerald Cash, Clara Cash,
25 Gregory Wahoff, Phillip Garcia and Rocky Wayne

1 Adkisson --

2 A. Yes.

3 Q. -- versus Hamilton County defendants and
4 City of Cincinnati?

5 A. Yes, sir.

6 Q. I'm going to be asking you some questions
7 about the allegations you've made in that lawsuit,
8 okay?

9 A. (Nodding head.)

10 Q. And when you respond, you'll have to speak
11 out, so the court reporter --

12 A. Oh, yes.

13 Q. -- can record.

14 A. Yes, sir.

15 Q. Okay. Paragraph 6 of your lawsuit says
16 that in October of 2001 the defendants directed
17 Community Service participants to an area located
18 under the Fifth Street Viaduct west of Central Avenue
19 in Cincinnati, Ohio, and in order to confiscate
20 property belonging to homeless persons in this area.

21 A. Yes.

22 Q. Can you tell me which defendants directed
23 Community Service participants to an area located
24 under the Fifth Street Viaduct?

25 A. Okay. From what I witnessed and Rocky

1 witnessed, there was a small orange City garbage
2 truck with participants from the Queensgate Center in
3 orange jump suits throwing all the belongings
4 straight in the garbage truck.

5 Q. Okay. What is the Queensgate Center?

6 A. Just -- it's like the Justice Center.
7 They call it Queensgate Jail.

8 Q. And they were individuals in orange jump
9 suits throwing --

10 A. Yes, throwing the belongings straight in
11 the garbage truck.

12 Q. And this was in early 2001 under the Fifth
13 Street Viaduct?

14 A. Yes, sir.

15 Q. And do you know who owns the land under
16 the Fifth Street Viaduct?

17 A. No, sir, I honestly don't. I don't know
18 if it's county, City, ODOT. I honestly don't know,
19 sir.

20 Q. Okay. And why were you there at that
21 time in early October 2001, under the Fifth Street
22 Viaduct?

23 A. Well, I had been living there for a while.
24 And that's before they started doing these bridge
25 sweeps, like a river sweep, they called it. They'd

1 just come in and clean you out, simple as that.

2 Q. Who called it a river sweep?

3 A. Sergeant Gramkey (phonetic).

4 Q. How do you spell that? Do you know?

5 MR. NEWMAN: He said that was before they
6 did the river sweeps.

7 A. Well, that's what he called it, the river
8 sweep.

9 MR. NEWMAN: Oh.

10 A. But this was underneath bridges to where
11 they made a new ordinance that if you get caught
12 sleeping underneath the bridge, you're going to jail
13 for criminal trespassing.

14 Q. Who made that ordinance?

15 A. The mayor, Charlie Luken, he was at the
16 time.

17 Q. So it's your belief that the City of
18 Cincinnati passed an ordinance -- could you repeat
19 what you said, what the ordinance did?

20 A. The ordinance was -- under the new
21 ordinance law, if you were caught underneath the
22 bridge sleeping, you are automatically going to jail
23 for criminal trespassing. Whether there is a
24 trespassing sign posted or not, you are going to jail
25 for criminal trespassing.

1 Q. And do you know when that ordinance was
2 enacted into law?

3 A. Sir, this is Greek to me, sir. I didn't
4 know nothing about it.

5 Q. Who told you about this ordinance that
6 would --

7 A. Rocky. Rocky said that they had a new
8 ordinance out. And I wish Ky was still alive and
9 Clara -- Gerald and Clara Cash.

10 Q. So you are referring to Rocky, one of the
11 other plaintiffs in this case --

12 A. Yes.

13 Q. -- told you that the City had an ordinance
14 if you were caught sleeping --

15 A. Yeah.

16 Q. I have to repeat my question if you don't
17 mind, because she can't record us at the same time.

18 Rocky told you that the City had passed an
19 ordinance that if you were caught sleeping under a
20 bridge in the City of Cincinnati, that you are going
21 to jail automatically for criminal trespass?

22 A. Yes, sir.

23 Q. Getting back to the question about your
24 observing individuals in orange jump suits, I think
25 you said from the Queensgate Center, throwing items

1 into trucks --

2 A. Garbage truck, one of them small garbage
3 trucks, orange.

4 Q. Okay. Did you speak to those individuals
5 in the orange jump suits?

6 A. No, sir.

7 Q. Was some of that property yours?

8 A. Yes. Well, we were all, basically, living
9 underneath the same area. But we had designated
10 areas where we kept our belongings and what -- where
11 we slept. Excuse me.

12 Q. But why didn't you speak to them if they
13 were taking your property?

14 A. Because I had just gotten off of work
15 because I only worked a half a day at Goodyear Tire
16 and Service, okay? I only worked a half a day. And
17 I was coming up the -- Gest Street, I guess. I
18 presume that's what you call it, the Fifth Street
19 Bridge, and that's when I witnessed -- they had a
20 concrete barrier wall.

21 The truck was here and in the far right
22 lane. And I could witness the people in the orange
23 jump suits throwing the garbage straight in the
24 truck, because they had two in the back of the truck
25 and they had -- looked like three coming up and down

1 the slope, bringing our belongings and going straight
2 in the garbage truck.

3 Q. And did you say that the Queensgate Center
4 was part of the Justice Center?

5 A. Yes. Yes, sir. It's what they call the
6 facility. It's the old Kruse Hardware Building that
7 they made into a minimum security jail. It's
8 supposed to be.

9 Q. Okay. And were the people in orange jump
10 suits individuals who were staying at the Queensgate
11 Center?

12 A. From my knowledge, yes, sir. Because
13 that -- I've been in that system, and I've been on
14 the work details, they call it. And yes, you have to
15 wear an orange jump suit. Some of them has got long
16 sleeves. Some of them is short sleeves.

17 Q. And could you tell who was in charge of
18 those individuals?

19 A. No, sir. Honestly, I can't remember his
20 name. But it's a sergeant at the -- at the
21 Queensgate Center.

22 Q. Okay. You also allege in your lawsuit
23 that eight or nine days after the time we're just
24 discussing in early October 2001, that the defendants
25 again directed Community Service participants to this

1 area for the same purpose, is what the lawsuit
2 alleges. What's the basis for your alleging in the
3 lawsuit that the defendants again directed Community
4 Service participants to the area under Fifth
5 Street -- I should say under the Fifth Street Viaduct
6 west of Central Avenue, about eight or nine days
7 after?

8 A. I think they were checking to see if we
9 moved back.

10 Q. Were you there eight or nine days later?

11 A. No. That's when I moved underneath the
12 Robeling Bridge to where again I witnessed. Again,
13 they were in the parking lot. The orange garbage
14 truck was there again, and I saw the -- the work
15 detail and the orange jump suits throwing the
16 belongings underneath the -- in the garbage truck
17 again.

18 That's when Charlie was camping with me,
19 because Charlie had his tent set up, and I had my
20 plywood and what belongings I had.

21 Q. Just so we're clear for the record,
22 Charlie is --

23 A. He's not in this lawsuit.

24 Q. He's not one of the plaintiffs?

25 A. No, no, no. No, sir.

1 Q. Okay.

2 A. He just come back from Lexington,
3 Kentucky.

4 Q. Okay. And when you allege in the lawsuit
5 that the defendants again directed Community Service
6 participants to this area, which defendants are you
7 talking about?

8 A. That would be the -- the ones in the
9 orange jump suits. We witnessed -- we witnessed
10 them.

11 Q. From the Queensgate Center?

12 A. Yes, yes, sir, a work detail they call it.

13 Q. Okay. The complaint also alleges that on
14 or about October 15th, 2001 Community Service
15 participants took possession of various items
16 belonging to you. Where did that occur?

17 A. Eggleston Avenue Bridge.

18 Q. And were these the same individuals in
19 orange jump suits from the Queensgate Center?

20 A. Yes, sir.

21 Q. And could you tell, was it the same person
22 in charge?

23 A. No, sir, because we were at -- we were
24 coming through Lytle Park and this one -- coming
25 through Lytle Park, that's by the Anna Louise Inn.

1 We come around the corner and there we could see the
2 garbage truck and the orange jump suits again.

3 Q. And could you tell who was in charge of
4 the orange jump suit individuals?

5 A. No. No, sir.

6 Q. But they were also from the Queensgate
7 Center?

8 A. The work detail crew. That's when they
9 have -- I witnessed a white van. I couldn't really
10 tell if -- if it had bars on it or not. But that's
11 where -- the work detail got in the van and followed
12 the garbage truck. So wherever the garbage truck
13 went, that's where the work detail went.

14 Q. Do you remember what the garbage truck
15 looked like?

16 A. It was a small orange, like, compactor
17 truck, like the big City garbage trucks are but this
18 was a small one.

19 Q. Is that the same kind of truck that was at
20 the other site that you described already?

21 A. Yes, sir.

22 Q. Okay.

23 A. That's why I was wondering if it was the
24 same truck or a different -- a different -- you know,
25 different work crew.

1 Q. Now, do you know anything about the
2 allegation in the complaint that on or about
3 September 28th, 2001, these Community Service
4 participants took possession of items belonging to
5 plaintiff Phillip Garcia or should I just say it's
6 Mr. Garcia about that?

7 A. Yes, sir. Because that's when I was again
8 coming up to the -- to where the camping area was and
9 that's where they even took his dog and arrested his
10 dog.

11 Q. Did you see somebody take his dog?

12 A. SPCA, sir.

13 Q. The SPCA took the dog?

14 A. Yes.

15 Q. And did the same kind of individuals in
16 orange jump suits take Mr. Garcia's property on that
17 date?

18 A. From what I saw was just the truck.
19 Because as soon as I witnessed that truck being there
20 again, I made a big U-turn and got the hell away from
21 there because I didn't want to go to jail for
22 criminal trespassing.

23 Q. So you didn't see who was loading items
24 onto the truck on that instance?

25 A. Honestly, sir, no. At that instance, I

1 couldn't. But I did witness the dog, Homey, being on
2 a, like, a muzzle and a leash being escorted into the
3 SPCA cage -- cage in the van.

4 MR. NEWMAN: Say the name of the dog for
5 the court reporter.

6 THE WITNESS: Homey.

7 Q. I think I read Mr. Garcia did get his dog
8 back from the SPCA.

9 A. After he had to pay a fine of -- a fine, a
10 license; I forgot exactly all what he had to pay.
11 But I know he had to get the license renewed, and he
12 had to pay a fine. That's what he -- he stated.

13 Q. Okay. I know in the lawsuit your
14 attorneys have used the expression, "Community
15 Service participants." Is it your understanding that
16 Community Service participants are the same as the
17 individuals in the orange jump suits that you're
18 describing who were staying at the Queensgate Center?

19 A. From my knowledge, that's what they dress
20 out in.

21 Q. Okay. Now, in paragraph 12 of your
22 amended complaint, there's an allegation that the
23 defendants acted in accordance with a policy and
24 practice adopted by them of confiscating property of
25 homeless persons without notice or opportunity for

1 due process of law in order to discourage those
2 persons from living at the locations described above.

3 A. Yeah.

4 Q. Can you explain to us what you know of --
5 of -- well, first of all, are you talking about
6 Hamilton County or are you talking about the City of
7 Cincinnati when you say, defendants acted in
8 accordance with a policy and practice?

9 A. From my knowledge, sir, from what was told
10 to me through what I read out of the newspapers and
11 all, that it was the City of Cincinnati. And then
12 the City of Cincinnati denied it, and they said it
13 was the Ohio Department of Transportation that was
14 doing the river sweeps -- well, the bridge sweeps.

15 Q. Okay. Did you ever find out?

16 A. No, sir.

17 Q. Okay. So you do read newspapers from time
18 to time?

19 A. Yes, sir, I try to go up to the public
20 library and get newspapers, you know, maybe a day
21 old, two days old or -- you know, I love reading the
22 newspapers.

23 Q. Do you try to read them each day if you
24 can?

25 A. Yes, sir.

1 Q. So even when you filed the lawsuit, you
2 don't know whether it was the State of Ohio
3 meaning -- ODOT is the Ohio Department of
4 Transportation, is that correct?

5 A. Yes, sir.

6 Q. So even when you filed the lawsuit, you
7 didn't know if it was ODOT or Hamilton County or the
8 City of Cincinnati that had a policy or practice of
9 what you are calling river sweeps?

10 A. Yes, sir. From my knowledge, they all
11 denied that they participated in -- in the river
12 sweeps. That's what it was called. And they -- from
13 what was explained to me in the newspaper, that if
14 you live underneath the bridge, if you're caught,
15 you're going to jail for criminal trespassing.

16 They wanted to consolidate everybody onto
17 the Ohio River to sleep on the riverbanks, so that's
18 where the majority of the people live now. And now
19 they're doing the river sweeps again because we got
20 one officer, I know for sure, that comes into Mike's
21 camp. Charlie is living there now and Jamie and
22 James. They all four reside in that camp area. They
23 can't even build a fire there because it's too close
24 to the parking lot.

25 Q. Okay. But you did know, I think you

1 already said, that when you were camped under these
2 bridges, when you were on property owned by either
3 the State of Ohio or Hamilton County or the City of
4 Cincinnati, you did know that that was criminal
5 trespass, right?

6 A. From what I was -- read and what I was
7 explained to, yes, we were trespassing.

8 Q. Can you describe for the record -- well,
9 let me first ask, are each one of these camps very
10 different or are they all more or less the same?

11 A. No, sir. They -- you got one person that
12 would build him a little shack out of plastic or
13 cardboard. And you got people that build it out of
14 plywood, two by fours, or just live in tents.

15 Q. Let's talk about the one, if you remember,
16 under -- well, let me clarify the record. Concerning
17 the October 15th, 2001 allegation that your property
18 was taken, at what site was that on October 15th,
19 2001?

20 A. Okay. It's hard for me to remember these
21 dates, but I'm pretty sure that was the Gest Street
22 Bridge.

23 Q. Gest Street?

24 A. Because I -- right now sir, I've been hit
25 four times, I know. Twice I witnessed. The third

1 time I was told it was the City again. And this
2 time, not even nine days ago, I witnessed a
3 Cincinnati Police Officer, two parole officers going
4 in mine and Terry's camp, trashing it, looking for
5 this Harry Schupp (phonetic) that was -- had a parole
6 violation filed against him, okay?

7 They went in and we witnessed them
8 destroying our camp, throwing our belongings, you
9 just might as well say, in the damn Ohio River.
10 Because with the waves and the water being so high
11 and the snow and the mud, you just might as well kiss
12 that gear good-bye, because there ain't no sense in
13 trying to wash it.

14 Q. Okay. But getting back to October 15th,
15 2001, what you remember is that you were under the
16 Gest Street Bridge. Is that the same as either the
17 Fifth Street Viaduct or the Sixth Street Bridge?

18 A. That was the Sixth Street Bridge, sir.

19 Q. I got you. I got you. Okay. Okay. Can
20 you describe what that camp looked like?

21 A. Okay. From what we had set up, we were
22 underneath the bridge. We had plywood down to sleep
23 on, because it was a rocky area, okay? We had
24 Styrofoam sides to help the wind being blocked. And
25 we had two by fours holding the Styrofoam; four by

1 eight sheets of two inch Styrofoam panels that we had
2 secured, and that's where we slept, in that area.

3 Q. About how many people were camped?

4 A. That was when me and Cowboy were staying
5 underneath there.

6 Q. Just two?

7 A. Yes, at that time.

8 Q. Who is Cowboy?

9 A. I can't remember his real name.

10 Q. That's okay. He's not one of the
11 plaintiffs?

12 A. No, no, no, sir.

13 Q. Okay. I'm sorry, I don't recall
14 specifically what you said. So when the two of you
15 were staying there on October 15th, 2001, under the
16 Sixth Street Bridge, did you say you saw the
17 individuals in the orange jump suits dispose of your
18 property?

19 A. From what I could see of the garbage truck
20 and yes, they had two of the orange jump suits
21 standing behind the garbage truck with the other
22 participants bringing it up. We had a little slope
23 that you had to climb up through.

24 Q. Okay.

25 A. And --

1 Q. And you didn't say anything to anybody?

2 A. I got the hell out of there, sir.

3 Q. Okay.

4 A. Because I didn't want to go to jail.

5 Q. Besides the truck that you saw and the
6 individuals with the orange jump suits, did you see
7 anybody else there?

8 A. Just -- just the white van, okay, that was
9 up in front of the -- the garbage truck.

10 Q. That's the white van that was used to
11 transport the individuals in the orange jump suits?

12 A. Yes, sir.

13 Q. Other than what you've said so far, do you
14 have any other knowledge about a City of Cincinnati
15 policy to confiscate property of homeless individuals
16 who are camped out, as you're describing, under
17 bridges?

18 A. Okay. Sir, this is what was explained to
19 me from the police, that now you have duly righted 48
20 hour notice to get the hell out of the bridges; if
21 you're not, it will be disposed of and you will go to
22 jail.

23 Q. When was that explained to you?

24 A. I'm going to have to say 2002. That's
25 when the -- when the river sweep was in full effect

1 again.

2 Q. Okay. But going back to the allegations
3 here in 2001 --

4 A. Yes, sir.

5 Q. -- in October of 2001 when you allege
6 property was taken from the Sixth Street site, do you
7 have any knowledge of City of Cincinnati policy at
8 that point in time beyond what you've said so far?

9 A. No, sir.

10 Q. Are you aware that in newspapers sometimes
11 there are notices of auctions and other times when
12 property is sold by different parties, you know, the
13 legal notice section?

14 A. From what I was -- have read in the paper,
15 there's a -- there's a park where they -- they have
16 a -- an auction. I think it's Winton Woods Park,
17 where the County and the City has confiscated
18 property, stolen property that was not recovered or
19 claimed by the -- the rightful owners, and they
20 auction it off, especially the County and City
21 vehicles that they have retired.

22 Q. After your property was taken in October
23 2001, the property that you list in the lawsuit, did
24 you try to get it back?

25 A. How? It was -- it was in a garbage truck.

1 Go to a landfill and try to go through it?

2 Q. At the site under Sixth Street in October
3 of -- on October 15th, 2001, besides what you
4 described, had other people stayed at that site, you
5 know, just before you were staying there?

6 A. Me and Cowboy, we had one area. Garcia
7 had the other area in the woods by Channel 19, WXIX.
8 That's where he was residing, had him a couch, his
9 tent set up and everything. It was very eloquent for
10 being homeless. We would go down there and drink and
11 build little campfires and all if we were cooking or
12 if we needed heat.

13 Q. Were there garbage cans there to dispose
14 of trash?

15 A. Black garbage bags that the City -- the
16 sewage -- the garbage trucks, you know, the little
17 pick-up trucks that they drive now, they would leave
18 the garbage bags there for us. Actually, Cincinnati
19 Recreation Commission, right down here at Yateman's
20 Cove, gave me a box of 500 garbage bags to use.

21 Q. Were there garbage bags filled with trash
22 there on the site?

23 A. Yes. We -- we sorted our trash, glass in
24 one, and we recycled our aluminum, our metals.

25 Q. Besides the bags of trash, was there other

1 trash at the site?

2 A. Further down from Garcia's area, yes,
3 there was trash from people who camped there before
4 because they -- they wouldn't bag up their trash.
5 You would see cans, bottles all over the place. And
6 at the other area where this other people were
7 staying, you could see it. From where we were
8 camping at underneath the Sixth Street Bridge, you
9 could see all their trash, especially from the
10 interstate; southbound 75, you could look up on the
11 hillside and see all the trash in the rocks, the
12 hillside of rocks. You could see their trash. It
13 was broken glass, everything.

14 Q. How about when people who camped there had
15 to use the bathroom, what did they do?

16 A. There was a designated wooded area where
17 we went, and there was a 5-gallon bucket with the
18 hole -- with the bottom cut out of it. And we would
19 dig a hole. Because we had to move it quite often.
20 And we would dig a new hole, and fill the hole up,
21 and that's where you used the bathroom.

22 Q. Did some people who camped in this area
23 use that?

24 A. No, sir, no.

25 Q. Not to your knowledge?

1 A. No. Well, if they did, well, I wasn't
2 there.

3 Q. Did you ever complain to the City of
4 Cincinnati prior to October 15th, 2001 about your
5 property being taken from these camps?

6 A. From the initial coalition that used to be
7 on Elm Street at that time, they said there wasn't a
8 damn thing I could do about it. And that was from --
9 I forget who was working there at the time because
10 it's like a -- service work. They do -- work so many
11 months, and then they're transferred to another area.

12 Q. Did you say the coalition? You mean the
13 Greater Cincinnati Coalition for the Homeless?

14 A. Yes, sir.

15 Q. So you complained to them prior to October
16 15th of 2001?

17 A. That's who initially helped us get this
18 lawsuit started.

19 Q. Okay. Did you ever complain to the City
20 of Cincinnati prior to October 15th, 2001?

21 A. No, except in this lawsuit here. That
22 was -- that was it.

23 MR. GANULIN: I don't have anything else.
24 Thank you.

25 THE WITNESS: You're welcome, sir.

1 CROSS-EXAMINATION

2 BY MR. STEVENSON:

3 Q. Mr. Wahoff, my name is Dave Stevenson and
4 again, if you don't understand a question, ask me to
5 rephrase it. Where are you staying right now?

6 A. The Ohio Riverbank.

7 Q. Whereabouts?

8 A. Down by the Paul Brown Stadium where I was
9 requested to reside by the Cincinnati Police.
10 Officer Schroeder and Officer Norton told me to go
11 live on the river.

12 Q. Schroeder and Norton?

13 A. Yes, sir.

14 Q. Okay. You indicated that you witnessed, I
15 think you said, two of these events, is that correct?

16 A. Yes, sir, that is.

17 Q. Those are the ones that you saw?

18 A. Yes, that I witnessed.

19 Q. And where did those take place again?

20 A. Okay. One was underneath the Eggleston
21 Avenue Bridge by the Lytle Park. The second was
22 underneath the Sixth Street Bridge where I also
23 witnessed Garcia -- Mr. Garcia's dog being
24 confiscated, put in an SPCA van.

25 Q. Okay. Now, those are the only two that

1 you witnessed?

2 A. Yes, sir.

3 Q. What about the one that took place on
4 October 15th where you said you were under the Sixth
5 Street Bridge?

6 A. Yes, sir, I was coming -- I only worked a
7 half a day that day.

8 Q. Is that the same event that -- when his
9 dog got taken or is it a different day?

10 A. I can't really say it was the same day or
11 later that day because I witnessed what I did. And I
12 left, and then I came back to see if there was
13 anything left. And there wasn't nothing.

14 Q. Let me ask you this. Were you present
15 when the truck pulled up?

16 A. No, sir.

17 Q. And did you see anyone else that was
18 present?

19 A. No, sir. I didn't go that far up.

20 Q. Okay. When you got there, what direction
21 did you arrive in?

22 A. Okay. That'd be heading west, coming from
23 like Central Avenue, I think it is right there.

24 Q. And what happened when you got there?

25 A. What I saw, the belongings being thrown

1 into the garbage truck.

2 Q. And when you say you saw belongings being
3 thrown into the garbage truck, tell me exactly what
4 it is that you saw.

5 A. From what I seen, what wasn't bagged was
6 blankets; hardly any debris from what I witnessed.
7 It was mainly just property that I was seeing throwed
8 in there, you know, like shoes.

9 Q. And this is stuff that was not bagged?

10 A. No, sir. Because I didn't -- sir, from
11 what I witnessed, I couldn't tell if -- there's a
12 grassy area along that -- that expressway to where if
13 they were cleaning out that -- that area that they
14 keep mowed -- I didn't know if they were cleaning
15 that or they were cleaning us out, until I went down
16 and saw every damn thing gone.

17 Q. You said you saw property going onto the
18 garbage truck?

19 A. Yes, sir.

20 Q. And now you're telling me you don't know
21 whether they were cleaning out the grass or whether
22 they were cleaning out your own area?

23 A. No, not until later when I went back down
24 and saw everything was gone. They even took the
25 plywood and Styrofoam.

1 Q. So you didn't recognize anything that was
2 being put on the truck?

3 A. Not from the distance.

4 Q. How far a distance are we talking about?

5 A. Maybe -- maybe a fifth of a mile. Right
6 there at Central and where I was camped. Maybe less
7 than a fifth of a mile.

8 Q. What, about 300 yards?

9 A. Oh, every bit of that.

10 Q. Did you ever get closer than that?

11 A. No, uh-huh.

12 Q. And how do you know these people were from
13 Queensgate?

14 A. From what I know, and I've been on the
15 work details when I was on -- being in lockup there,
16 you wear -- you wear an orange jump suit when you go
17 out on a work detail.

18 Q. Okay. I understand you wear an orange
19 jump suit when you go out on a work detail. I'm
20 asking you specifically how do you know the people in
21 the orange jump suits were from Queensgate?

22 MR. NEWMAN: I think he answered that.

23 A. From -- from my experience, that's what
24 you're dressed out in.

25 Q. You were never told by anyone that they

1 were from Queensgate?

2 A. No.

3 Q. You never asked anyone if they were from
4 Queensgate?

5 A. No, sir, I did not. I pretty well
6 surmised that's where they came from. I could be
7 wrong. But I've never seen the City wear an orange
8 jump suit. I've seen them wear traffic control
9 vests, and they're like tan or brown -- brown
10 uniforms.

11 Q. You've seen City garbage trucks?

12 A. Yes, sir.

13 Q. Those workers wear orange jump suits, do
14 they not?

15 A. No, they wear, if it's cold, a tan or a
16 brown jacket, tan slacks and a brown jacket.

17 Q. Okay. They don't wear the insulated
18 orange?

19 A. No, sir, not of my knowledge.

20 Q. And these were definitely garbage trucks.
21 They weren't pickup trucks or dump trucks?

22 A. From the two I seen, they were them small,
23 like, pony garbage trucks, and it compacts the trash.

24 Q. When you saw that they were loading the
25 stuff on the truck from where you had been, you had

1 known that people from the City had taken property
2 under other bridges at that point?

3 A. From my knowledge, that's what I -- was
4 explained to me, that they were -- they were doing it
5 again. They were -- it was like a river sweep, a
6 bridge sweep.

7 Q. And you actually had seen that once
8 before, correct?

9 A. Yes.

10 Q. And the time you saw it before, how close
11 were you?

12 A. Lytle Park, hmm. I'd say maybe -- maybe a
13 football field length.

14 Q. Okay. Now, the time that you got to
15 within a third of a mile or a fifth of a mile or 300
16 yards or whatever it was, that was the day your
17 property was taken, correct?

18 A. Yes, sir.

19 Q. Is that the same day that Garcia's dog was
20 taken?

21 A. I really can't remember honestly, sir, if
22 it was the same day or the day later. But I did
23 witness them coming back the next day. And that's
24 when the -- the grass cutting crew, the lawn mowers
25 were there, and they were cutting the grass.

1 Q. Typically how many bags of garbage do you
2 guys have on your site at a time?

3 A. Maybe four to five. Five at the most,
4 because the City did regularly pick up the trash.
5 That's when they had the little pickup trucks.

6 Q. And you're telling us that you separated
7 all your stuff out?

8 A. Yes, sir.

9 Q. Where was this designated wooded area?

10 A. That was -- underneath the bridge, you're
11 going south, a good three to four hundred feet from
12 underneath the bridge. You're closer to the -- to
13 the Fifth Street Bridge.

14 Q. Did you ever go to the Cincinnati property
15 room and attempt to retrieve any of your belongings?

16 A. No, sir.

17 Q. What was it that was taken from you?

18 A. That's a list so -- sleeping bags, gym
19 shoes, work boots, clothing. That was -- God knows
20 how many blankets, sleeping bags. I'm trying to
21 remember the property. Well, yeah, a radio, one of
22 them little battery operated TVs, looked like a
23 transistor, got the little 2-inch TV screen on it.

24 Q. Anything else?

25 A. Honestly, sir, it's kind of hard to

1 remember. It's happened so many damn times, it's
2 hard to exactly remember which incident, what was
3 lost, what was taken, what was destroyed or thrown
4 away.

5 Q. How often would property of yours be
6 taken?

7 A. Sir, with -- this is -- this is the fourth
8 time that they've done this. Three times the
9 property was gone.

10 Q. You're not -- you're not understanding my
11 question. Let me repeat it.

12 A. All right.

13 Q. How often would property of yours be taken
14 from your campsite, regardless of who took it?

15 A. Well, that would depend when they started
16 their river sweep. I'd say at least once -- once
17 in -- well, normally they wouldn't do any of the
18 sweeps during the spring and summer, but as soon as
19 the fall or the winter would happen, it'd get -- it
20 would get cold, that's when they would start their
21 baloney.

22 Q. All right. Let me ask you this. How
23 often does property get taken from your camp? I'm
24 not talking about the City of Cincinnati or anybody
25 else. How often does property of yours get taken

1 from your camp?

2 A. What I've seen was twice; witnessed,
3 twice.

4 Q. Have you ever had property taken by
5 somebody other than the City of Cincinnati?

6 A. No, sir. Because -- the code of ethic
7 with the homeless people is that you're pretty damn
8 rotten if you steal from a homeless person. And
9 that's the code of ethic.

10 Q. How did you acquire your backpack that you
11 say was taken?

12 A. Bought it.

13 Q. Where?

14 A. I'm going to try to remember if it's
15 called Jordan's on Elm Street, but it's -- it's a
16 shoe store, backpack and clothing store. It's a -- a
17 variety store.

18 Q. Do you remember how much you paid for it?

19 A. I think it was 19.95 plus tax. They're
20 pretty reasonable there.

21 Q. How long have you had it?

22 A. Well, with that time frame, I'd say maybe
23 two months because --

24 Q. Okay.

25 A. Yeah. It was on -- I think I purchased it

1 in July because that's when it was real hot. And
2 that's when I was working through a temporary labor
3 service.

4 Q. Are you working now?

5 A. No, sir. Because the City has confiscated
6 three of my IDs, the City police officers. I don't
7 even know if the property room's got it. I don't
8 know if the City officers are keeping them for
9 souvenirs or just throwing the damn things away. I
10 honestly don't know.

11 Q. They were taken from you, from your
12 person?

13 A. Three times, sir. Twice, I got an open
14 flask ticket and a jay walking ticket and my IDs were
15 never returned to me. But I had to sign for the
16 ticket.

17 Q. And they didn't give you your ID back?

18 A. No, sir.

19 Q. They just kept it?

20 A. Yes, sir. Basically, I got the hell out
21 of there. And I didn't remember until they were
22 gone, and I was way down the street.

23 Q. Do you have any pending charges against
24 you right now?

25 A. Not to my knowledge, sir. Not to my

1 knowledge.

2 Q. What do you mean, not to your knowledge?

3 A. Not to my knowledge. Because I just -- I
4 just got out of incarceration, an 8 hours, for the
5 jay walking ticket that I didn't know I had.

6 Q. And when did that happen?

7 A. I would have to say two months ago. Let
8 me see.

9 Q. And you didn't know you had the ticket?

10 A. No, sir. Either that or I was so
11 inebriated, forgot about it. And, sir, I will admit
12 it, I do like to drink.

13 Q. Do you drink every day?

14 A. No, sir. Can't afford it.

15 Q. How often do you drink?

16 A. At least three times a week, if that.

17 Q. What's your beverage of choice?

18 A. Beer, mainly.

19 Q. And how do you buy it?

20 A. Buy the 40-ounce bottles mainly.

21 Q. And what do you do with the 40-ounce
22 bottles when you are done with them?

23 A. Bag them in a black garbage bag.

24 MR. STEVENSON: I don't have anything
25 further.

1 MR. NEWMAN: I'd like to just clarify.
2 I'd like to clarify a couple of points.

3 EXAMINATION

4 BY MR. NEWMAN:

5 Q. You said that one of the sweeps that
6 occurred was the Eggleston sweep?

7 A. Yes, sir.

8 Q. Okay. And that was -- when was that?

9 A. I can't honestly remember, but it was --
10 it was -- I'd have to say at the beginning of fall.
11 That was -- it had to have been in November.

12 Q. That was -- that was after the sweep that
13 we're talking about in the case?

14 A. Yes.

15 Q. Okay.

16 A. That's -- that's -- that was -- had to
17 have been in November because it wasn't even
18 Thanksgiving yet.

19 Q. Okay. Was it a year or two or how many --
20 how much time after the case that we're here for?

21 A. I wouldn't even put it 30 days, sir, a
22 month.

23 Q. Okay.

24 A. Because that's when I relocated underneath
25 the Eggleston Avenue Bridge because that's when --

1 Q. Okay.

2 A. -- Frank and Alley Al invited me to stay
3 at their camp.

4 Q. Okay. And they were at the Eggleston
5 camp?

6 A. Yes, sir.

7 Q. Okay. And -- and what of your stuff did
8 you lose at the sweep at the -- when you were at
9 Eggleston?

10 A. Basically everything that I rebuilt again,
11 backpack, sleeping gear, clothing.

12 Q. Uh-huh.

13 A. Shoes.

14 Q. Okay. And did you see the property that
15 you're talking about here disposed of?

16 A. We three witnessed it because we were
17 coming through Lytle Park, and we could see the truck
18 right there and it being the belongings, the
19 cardboard, the wood and what have you being loaded on
20 to the garbage truck and compacted.

21 Q. Okay. And this is the garbage truck that
22 you've already described?

23 A. Yes, sir.

24 Q. Okay.

25 A. Basically, I thought it was the same --

1 the same one.

2 Q. Okay. And could you describe again the --
3 what the people looked like who were putting the
4 stuff in the garbage truck?

5 A. They were in orange jump suits.

6 Q. Okay.

7 A. Some of them had long sleeves. Some of
8 them had short sleeves with thermals underneath.

9 MR. NEWMAN: Okay. I just wanted to
10 clarify that Eggleston sweep. Go ahead.

11 MR. GANULIN: I have one or two follow-up
12 questions.

13 RECROSS-EXAMINATION

14 BY MR. GANULIN:

15 Q. Mr. Stevenson was asking you in his
16 questions about cleanups done by the City of
17 Cincinnati. He spoke about the City of Cincinnati
18 specifically. Your testimony, as I recall it, in
19 response to my questions was that assuming there was
20 an order from some place to have what you called
21 river sweeps, you testified you don't know if that
22 was the State of Ohio or Hamilton County or the City
23 of Cincinnati that created the river -- what you're
24 calling the river sweeps?

25 A. Yes. From what was explained to me, they

1 all denied it.

2 Q. And in terms of any of the particular
3 cleanups that you observed, you testified previously
4 in response to my questions that you saw the
5 individuals in the orange jump suits load items onto
6 a truck but -- and you assumed they're from the
7 Queensgate Center, but you did not testify that the
8 City of Cincinnati did that sweep, did you?

9 A. Sir, from what I witnessed, it was an
10 orange small garbage truck, and from what I've seen,
11 that's all the City drives around, not unless they
12 have the -- the new style pickup truck with the dump
13 bed.

14 Q. Right. And I'm not asking you about the
15 truck specifically. Let's assume that was the City
16 of Cincinnati sanitation truck for purposes of my
17 question. Was there anything else about what
18 occurred besides what you believed to be a City of
19 Cincinnati sanitation truck that connected that
20 cleanup to the City of Cincinnati?

21 A. Just the experience being on a work detail
22 and -- and seeing the garbage trucks around the City.
23 That's basically it.

24 Q. When you say the work detail, you're
25 referring again to the people in the orange jump

1 suits?

2 A. Yes. Yes, sir.

3 Q. And you're not suggesting they were
4 controlled by the City of Cincinnati, are you, as
5 opposed to Hamilton County?

6 A. Now, that, I do know that when you're
7 locked up, it's the Hamilton County Sheriff's
8 Department that you're incarcerated in the county.

9 Q. Right.

10 A. And if you're in the county jail, it's
11 basically for City charges.

12 MR. GANULIN: Thank you. That's all I
13 have.

14 MR. NEWMAN: Okay.

15

16

17 _____
GREGORY B. WAHOFF

18

19 - - -

20 DEPOSITION CONCLUDED AT 10:59 A.M.

21 - - -

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23

24

25

1 C E R T I F I C A T E

2 STATE OF OHIO :
3 COUNTY OF HAMILTON : SS

4 I, S. Diane Farrell, RMR, CRR, the
5 undersigned, a duly qualified and commissioned notary
6 public within and for the State of Ohio, do hereby
7 certify that before the giving of his aforesaid
8 deposition, GREGORY B. WAHOFF was by me first duly
9 sworn to depose the truth, the whole truth and
10 nothing but the truth; that the foregoing is the
11 deposition given at said time and place by GREGORY B.
12 WAHOFF; that said deposition was taken in all
13 respects pursuant to stipulations of counsel; that I
14 am neither a relative of nor employee of any of the
15 parties or their counsel, and have no interest
16 whatever in the result of the action; that I am not,
17 nor is the court reporting firm with which I am
18 affiliated, under a contract as defined in Civil Rule
19 28(D).

20 IN WITNESS WHEREOF, I hereunto set my hand and
21 official seal of office at Cincinnati, Ohio, this
22 ____ day of _____, 2006.

23
24 My commission expires: S. Diane Farrell, RMR, CRR
25 October 18, 2006. Notary Public - State of Ohio